

DECISION/DIRECTION NOTE

Title: St. John's Urban Region Regional Plan Amendment No. 4, 2018,
St. John's Municipal Plan Amendment Number 150, 2018 and
St. John's Development Regulations Amendment Number 686, 2018
Application to Rezone Land to the Residential Medium Density (R2)
Zone for development of 32 Semi-Detached Dwellings
MPA1800004
47A Heavy Tree Road – Diamond Marsh Subdivision Stage 4
Applicant: Fairview Investment Limited

Date Prepared: November 18, 2019

Report To: His Worship the Mayor and Members of Council

Councillor & Role: Councillor Maggie Burton, Planning and Development Lead

Ward: 5

Decision/Direction Required:

Following the Public Hearing, Council may proceed with the next steps in the amendment process and consider approval for Municipal Plan Amendment Number 150, 2018, and St. John's Development Regulations Amendment Number 686, 2018.

Discussion – Background and Current Status:

The City received an application to develop 32 Semi-Detached Dwellings at 47A Heavy Tree Road (Diamond Marsh subdivision stage 4). The area is currently zoned Rural and would need to be rezoned to the Residential Medium Density (R2) Zone in order to allow the proposed development. Stage 4 is additional land the developer has incorporated into the larger Diamond Marsh development, which was originally redesignated and rezoned in 2010/2011 to the Residential Low Density (R1) Zone. Amendments to both the St. John's Urban Region Regional Plan and the St. John's Municipal Plan are also required.

Following adoption of the St. John's Urban Region Regional Plan Amendment 4, 2018 by the Minister of Municipal Affairs and Environment and release of the city's amendments, Council adopted resolutions for St. John's Municipal Plan Amendment Number 150, 2018, and St. John's Development Regulations Amendment Number 686, 2018 at the Regular Meeting of Council on September 30, 2019. Council also appointed Ms. Marie Ryan as the commissioner to conduct a joint public hearing in regard to the Regional Plan amendment and the City's amendments. The Public Hearing was held at St. John's City Hall on October 23, 2019.

Commissioner Ryan has now submitted her report on the proposed amendments, with a recommendation to approve the amendments. A copy of the report is attached for Council's consideration. Commissioner Ryan discusses potential problems when residential zones boarder the City's Agricultural (AG) Zone, which is identical to the Province's Agricultural

ST. JOHN'S

Development Area (ADA). There are already buffers set out in the Development Regulations regarding residential development and livestock barns, and these have generally served to avoid or reduce conflicts, particularly regarding smell, dust, and so on. Therefore, staff do not recommend any particular action at this time.

Key Considerations/Implications:

1. Budget/Financial Implications: Not applicable.
2. Partners or Other Stakeholders:
Municipalities under the St. John's Urban Region Regional Plan and neighbouring residents and property owners.
3. Alignment with Strategic Directions/Adopted Plans:
City's Strategic Plan 2019-2029: A Sustainable City – Plan for land use and preserve and enhance the natural and built environment where we live.
4. Legal or Policy Implications:
Ensuring that our Municipal Plan conforms to the Regional Plan.
5. Privacy Implications: Not applicable.
6. Engagement and Communications Considerations: Not applicable.
7. Human Resource Implications: Not applicable.
8. Procurement Implications: Not applicable.
9. Information Technology Implications: Not applicable.
10. Other Implications: Not applicable.

Recommendation:

It is recommended that Council now approve the attached resolutions for St. John's Municipal Plan Amendment Number 150, 2018 and St. John's Development Regulations Amendment Number 686, 2018, as adopted. These amendments would redesignate and rezone land at 47A Heavy Tree Road (Diamond Marsh subdivision stage 4) from the Rural (R) Zone to the Residential Medium Density (R2) Zone to allow the proposed development of 32 Semi-Detached Dwellings. If approved, the amendments will be referred to the Department of Municipal Affairs and Environment, with a request for Provincial Registration in accordance with the provisions of the Urban and Rural Planning Act.

Final registration of the City of St. John's amendments is dependent on the Minister's decision to approve St. John's Urban Region Regional Plan Amendment Number 4, 2018. A copy of the Commissioner's report has also been sent to the Minister for consideration.

Prepared by/Signature:

Lindsay Lyghtle-Brushett, MCIP, Planner III

Signature: _____

Approved by - Date/Signature:

Ken O'Brien, MCIP – Chief Municipal Planner

Signature: _____

LLB/dlm

Attachments:

Commissioner's Report
Resolutions
Location map

**RESOLUTION
ST. JOHN'S MUNICIPAL PLAN
AMENDMENT NUMBER 150, 2018**

WHEREAS the City of St. John's wishes to allow the development of Semi-Detached Dwellings at 47A Heavy Tree Road (Diamond Marsh subdivision).

BE IT THEREFORE RESOLVED that the City of St. John's hereby adopts the following map amendment to the St. John's Municipal Plan in accordance with the provisions of the Urban and Rural Planning Act.

Redesignate land at 47A Heavy Tree Road from the Rural (R) Land Use District to the Residential Low Density (RLD) Land Use District as shown on Map III-1A attached.

BE IT FURTHER RESOLVED that the City of St. John's requests the Minister of Municipal Affairs and Environment to register the proposed amendment in accordance with the requirements of the Urban and Rural Planning Act, 2000.

IN WITNESS THEREOF the Seal of the City of St. John's has been hereunto affixed and this Resolution has been signed by the Mayor and the City Clerk on behalf of Council this ____ day of _____, 2018.

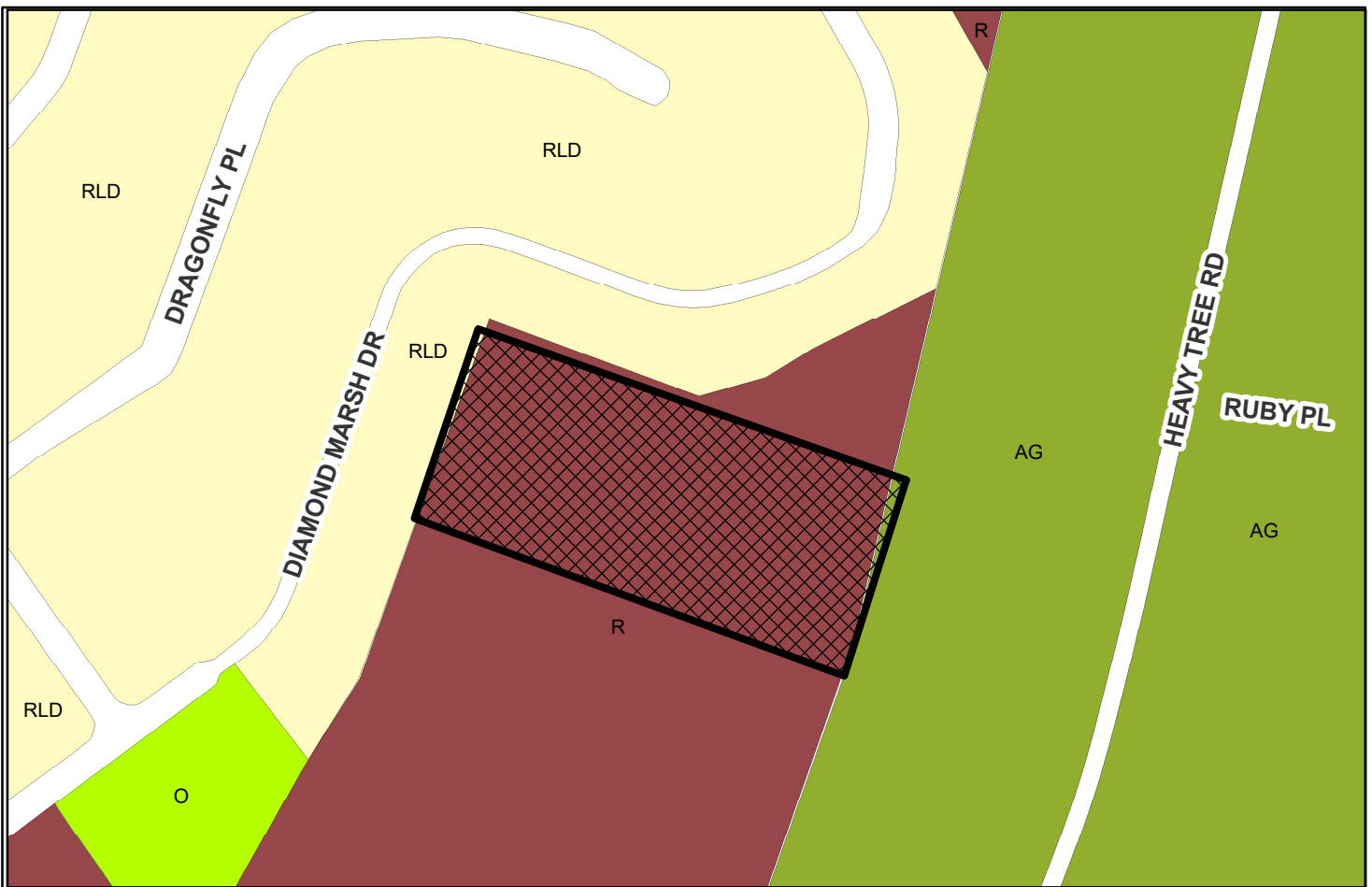
Mayor

MCIP
I hereby certify that this Amendment has been prepared in accordance with the Urban and Rural Planning Act, 2000.

City Clerk

Council Adoption


Provincial Registration



**CITY OF ST. JOHN'S
DEVELOPMENT REGULATIONS
Amendment No. 150, 2018
[Map Z-1A]**

2018 09 13 Scale: 1:750
City of St. John's
Department of Planning, Development
& Regulatory Services

**I hereby certify that this amendment
has been prepared in accordance with the
Urban and Rural Planning Act.**

 **AREA PROPOSED TO BE REDESIGNATED FROM
RURAL (R) LAND USE DISTRICT TO
RESIDENTIAL LOW DENSITY (RLD) LAND USE DISTRICT**

47A HEAVY TREE RD

M.C.I.P. signature and seal

Mayor

City Clerk

Council Adoption

Provincial Registration

RESOLUTION
ST. JOHN'S DEVELOPMENT REGULATIONS
AMENDMENT NUMBER 686, 2018

WHEREAS the City of St. John's wishes to allow the development of Semi-Detached Dwellings at 47A Heavy Tree Road (Diamond Marsh subdivision).

BE IT THEREFORE RESOLVED that the City of St. John's hereby adopts the following map amendment to the St. John's Development Regulations in accordance with the provisions of the Urban and Rural Planning Act:

Rezone land at 47A Heavy Tree Road from the Rural (R) Zone to the Residential Medium Density (R2) Zone as shown on Map Z-1A attached.

BE IT FURTHER RESOLVED that the City of St. John's requests the Minister of Municipal Affairs and Environment to register the proposed amendment in accordance with the requirements of the Urban and Rural Planning Act, 2000.

IN WITNESS THEREOF the Seal of the City of St. John's has been hereunto affixed and this Resolution has been signed by the Mayor and the City Clerk on behalf of Council this ____ day of _____, 2018.

Mayor

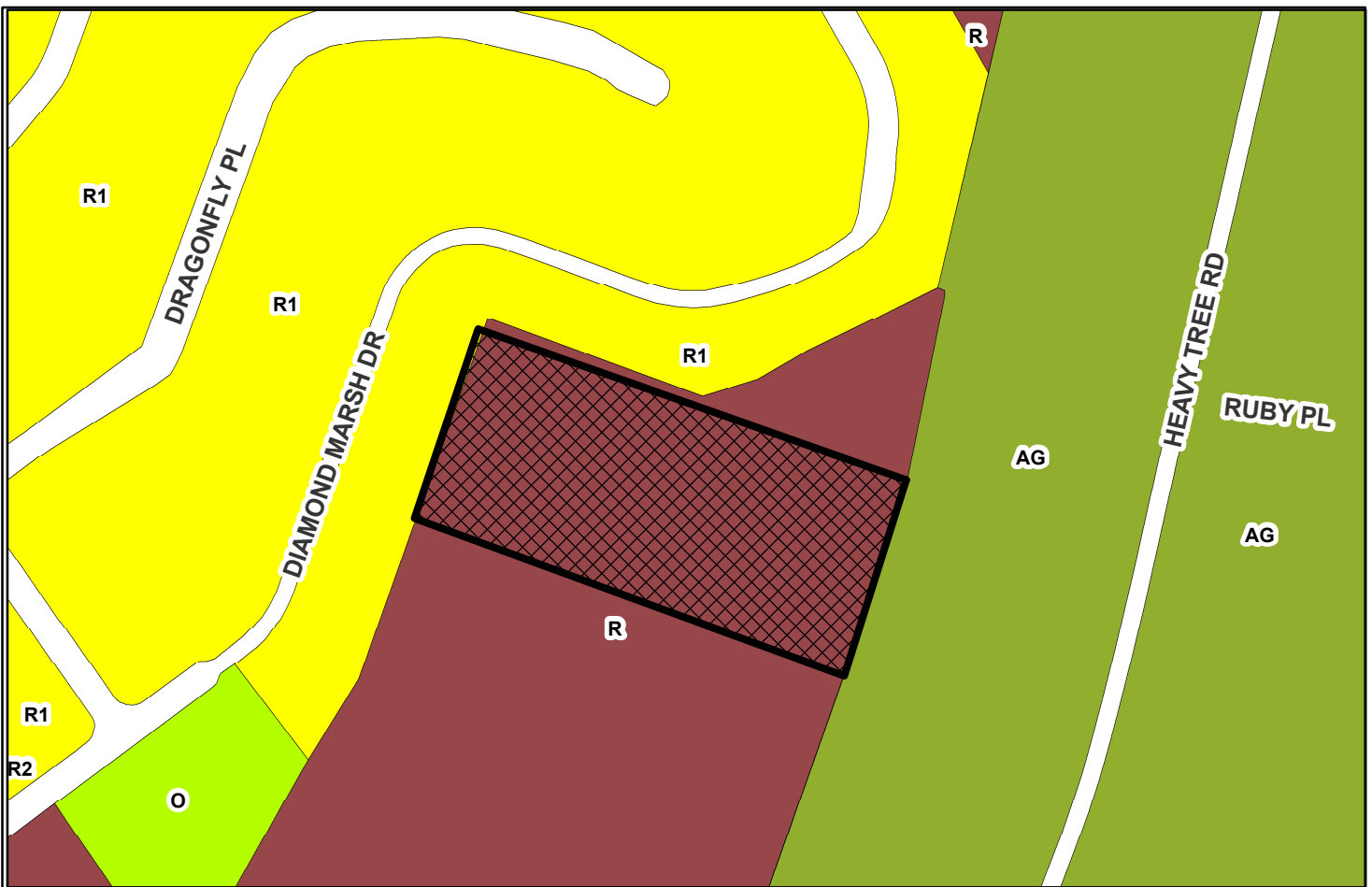
MCIP

I hereby certify that this Amendment has been prepared in accordance with the Urban and Rural Planning Act, 2000.

City Clerk

Council Adoption

Provincial Registration



**CITY OF ST. JOHN'S
DEVELOPMENT REGULATIONS
Amendment No. 686, 2018
[Map Z-1A]**

2018 09 13 Scale: 1:750
City of St. John's
Department of Planning, Development
& Regulatory Services

**I hereby certify that this amendment
has been prepared in accordance with the
Urban and Rural Planning Act.**



AREA PROPOSED TO BE REZONED FROM
RURAL (R) ZONE TO THE RESIDENTIAL MEDIUM DENSITY (R2) ZONE

47A HEAVY TREE RD

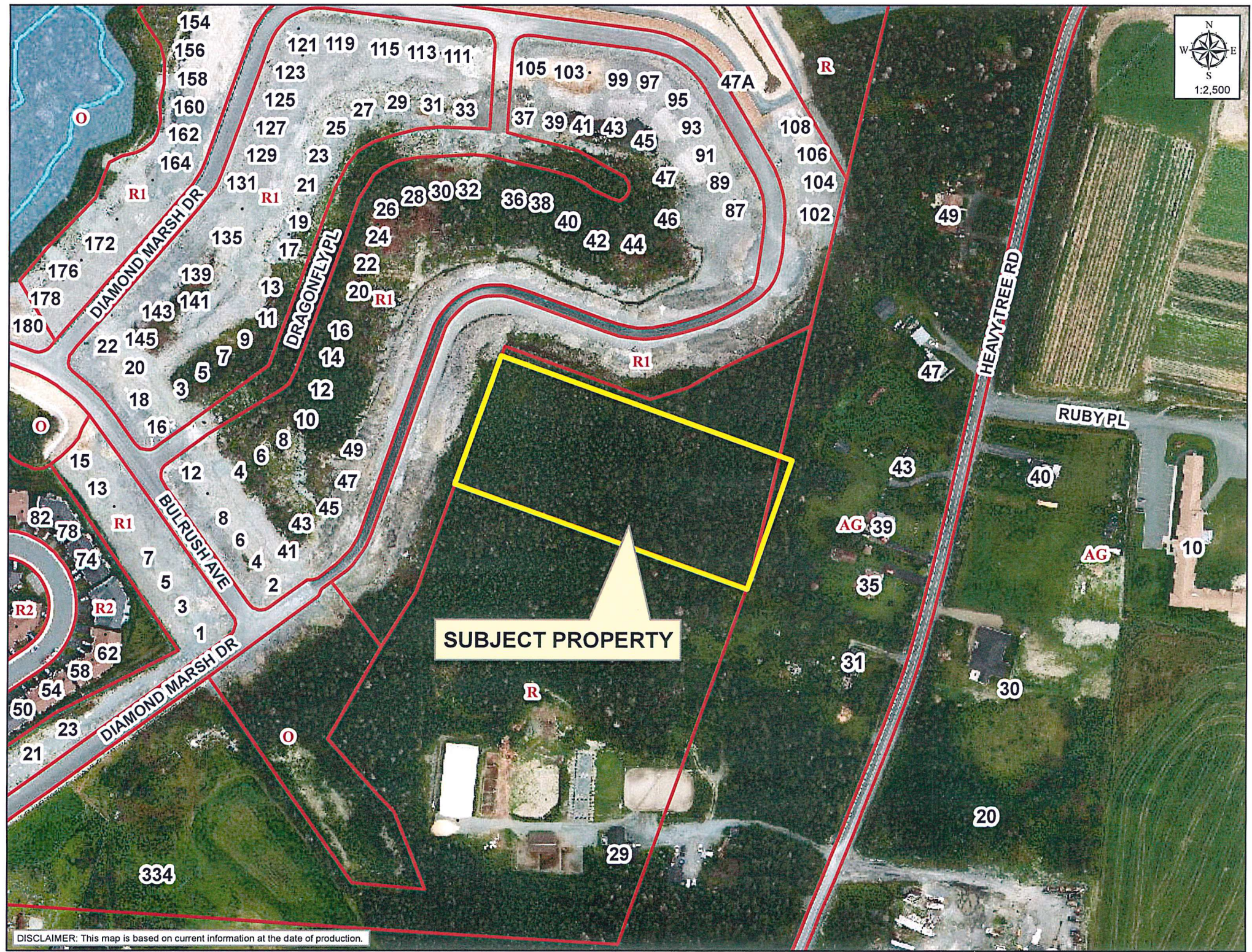
M.C.I.P. signature and seal

Mayor

City Clerk

Council Adoption

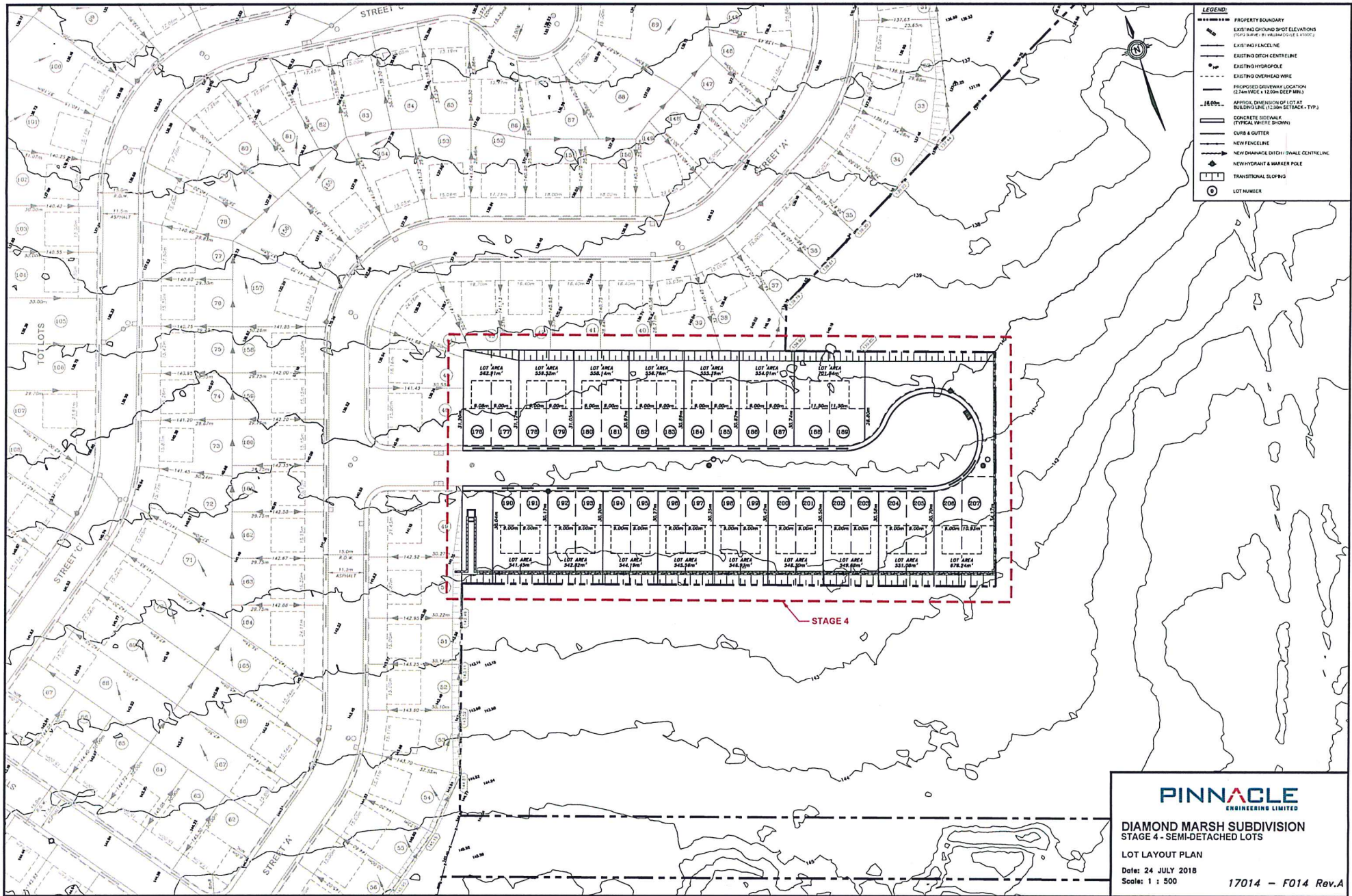
Provincial Registration



SUBJECT PROPERTY

DISCLAIMER: This map is based on current information at the date of production.

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ST. JOHN'S URBAN REGION REGIONAL PLAN, 1976

AMENDMENT 4, 2018

BACKGROUND

The St. John's City Council is proposing an amendment to its Municipal Plan and Development Regulations. The *Urban and Rural Planning Act, 2000* (the "Act") sets out the process for amending a Municipal Plan and Development Regulations.

The City's municipal amendment is intended to accommodate the development of 32 semi-detached dwellings. The land is designated and zoned "Rural" according to the City of St. John's Municipal Plan and Development Regulations, which does not permit residential uses.

The City Council proposes to amend the St. John's Municipal Plan by changing the Land Use District from "Rural" to "Residential Low Density (RLD)" on the City's Future Land Use Map III-1A. Additionally, the City Council proposes to amend its Development Regulations by changing the Land Use Zone from "Rural (R)" to "Residential Medium Density (R2)" on the city's Land Use Zone Map Z-1A.

The St. John's Urban Region Regional Plan, 1976 (SJURRP) sets out a framework for growth and development within the St. John's Urban Region. Amendments to Municipal Plans prepared by municipalities in the St. John's Urban Region must be consistent with the SJURRP. Currently, the SJURRP designates the subject area as "Rural". The proposed residential development is only allowed under the SJURRP designation of "Urban Development".

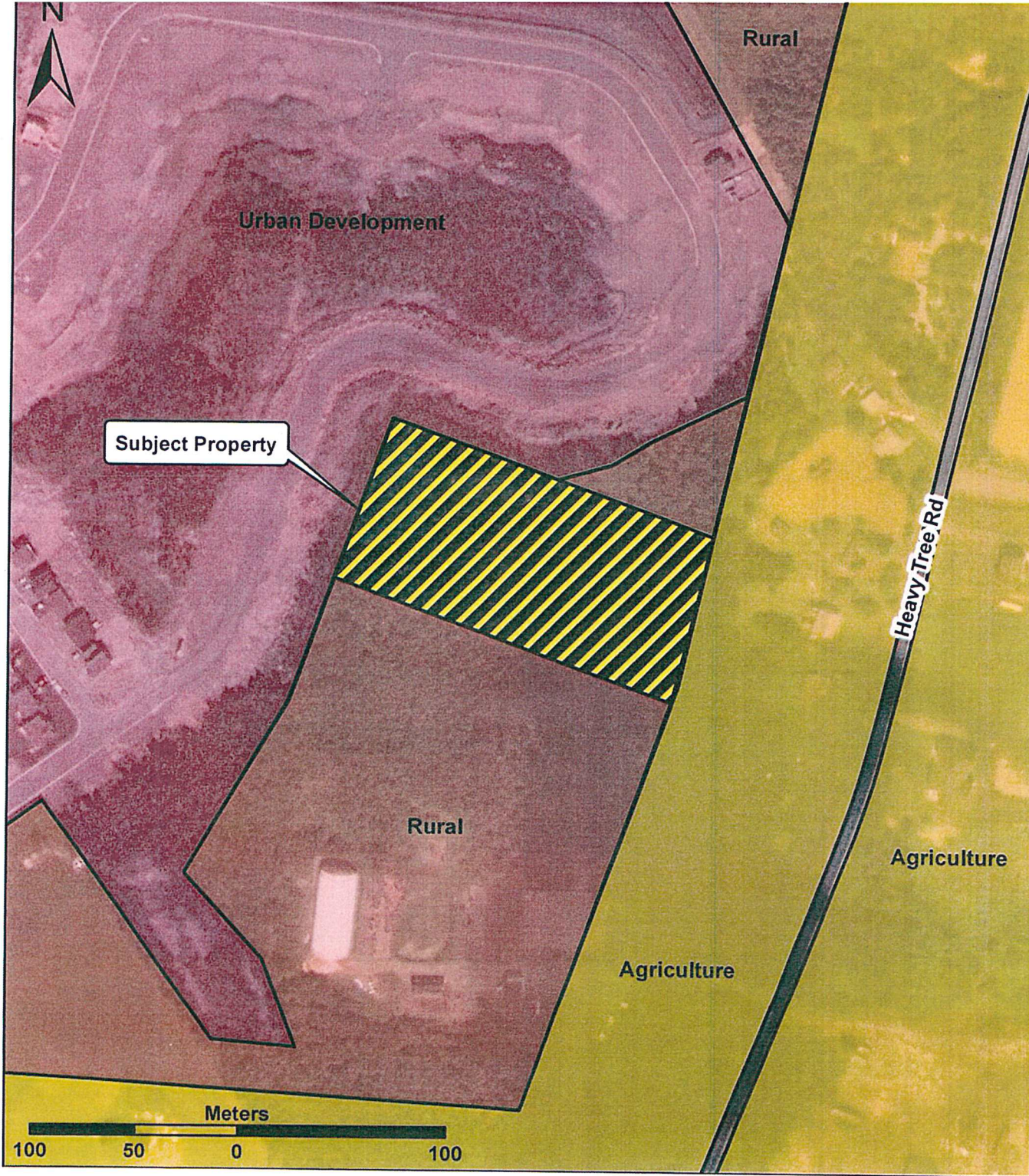
Therefore, in order to accommodate the proposed residential development, the St. John's City Council requested that the SJURRP be simultaneously amended so that the "Urban Development" designation is applied to the area where development is proposed.

PUBLIC CONSULTATION





The St. John's City Council published a notice in *The Telegram* on 9th and 16th days of March, 2019 soliciting comments on the proposed SJURRP Amendment 4, 2018. The information was also posted on the City's website. Comments or objections were invited up to 26th day of March, 2019. One written comment was received by the City. The City of St. John's also wrote to the other 14 municipalities subject to the proposed SJURRP amendment. Seven municipalities responded by the requested deadline, including: Mount Pearl, Portugal Cove-St. Philip's, Bay Bulls, Paradise, Torbay, Conception Bay South, Logy Bay-Middle Cove-Outer Cove. There were no objections to the proposed amendment from the neighbouring municipalities in the Region.

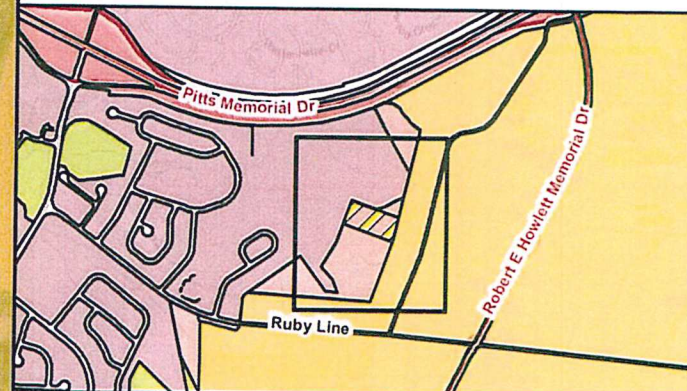
St. John's Region Regional Plan, 1976 Amendment 4, 2018

The St. John's Urban Region Regional Plan is amended by re-designating an area of land in the area of 47A Heavy Tree Road (Diamond Marsh Subdivision Phase 4) within the Municipal Planning Area of the City of St. John's from "Rural" to "Urban Development" as shown on the attached map.



**St. John's Urban Region
Regional Plan Amendment No. 4, 2018**

-  From 'Rural' to 'Urban Development'
-  Urban Development
-  Agriculture
-  Rural



St. John's Urban Region Regional Plan Amendment
REGISTERED

Number _____

Date _____

Signature _____

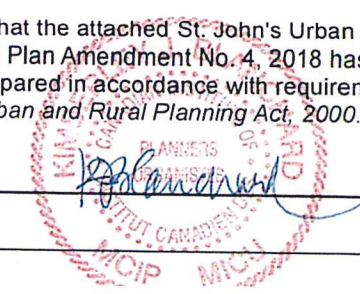
Signed this ____ day of _____, 20 ____.

Minister of Municipal Affairs and Environment

CANADIAN INSTITUTE OF PLANNERS CERTIFICATION

I certify that the attached St. John's Urban Region
Regional Plan Amendment No. 4, 2018 has
been prepared in accordance with requirements
of the *Urban and Rural Planning Act, 2000*.

MCIP: _____



**COMMISSIONER'S REPORT ON THE
ST. JOHN'S MUNICIPAL PLAN
AMENDMENT No.150, 2018**

and

**ST. JOHN'S DEVELOPMENT REGULATIONS
AMENDMENT No. 686, 2018**

and

**ST. JOHN'S URBAN REGION REGIONAL PLAN
AMENDMENT No. 4, 2018**

Prepared by:

Marie E. Ryan
Commissioner

November 13, 2019

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1.0 INTRODUCTION

At the Regular Meeting of the St. John's Municipal Council ("Council") held on September 30, 2019, I was appointed as the Commissioner to conduct a public hearing and prepare a report with recommendations with respect to proposed amendments to both the St. John's Municipal Plan (*Amendment Number 150, 2018*) and the St. John's Development Regulations (*Amendment Number 686, 2018*). The intent of these amendments is as follows:

St. John's Municipal Plan (*Amendment Number 150, 2018*)

Redesignate land at 47A Heavy Tree Road from the Rural (R) Land Use District to the Residential Low Density (RLD) Land Use District.

St. John's Development Regulations (*Amendment Number 686, 2018*)

Rezone land at 47A Heavy Tree Road from the Rural (R) Zone to the Residential Medium Density (R2) Zone.

This redesignation and rezoning of 47A Heavy Tree Road is in response to an application submitted by Fairview Investment Limited to develop 32 Semi-Detached Dwellings on this site (Diamond Marsh Subdivision stage 4).

It is important to state that the St. John's Municipal Plan must conform to the St. John's Urban Region Regional Plan (SJURRP), which was adopted by the Province in 1976. This Plan applies to all land in the St. John's Urban Region, which is essentially the Northeast Avalon Peninsula. The SJURRP is the Province's principal document for determining land use and development in the Urban Region. It distinguishes between urban and rural areas, and provides protection for the Urban Region's agricultural area, resource areas and designated scenic roads. It is the framework within which municipal plans are prepared by municipalities on the Northeast Avalon.¹

An amendment to the SJURRP (Amendment Number 4, 2018) is required to ensure alignment of the proposed amendments to the St. John's Municipal Plan and the St. John's Development Regulations with the Regional Plan. I have concurrently been appointed by the Minister of Municipal Affairs and Environment as the Commissioner to conduct a public hearing on this SJURRP amendment, the intent of which is as follows:

To re-designate an area of land in the area of 47A Heavy Tree Road (Diamond Marsh Subdivision Stage 4) within the Municipal Planning Area of the City of St. John's from "Rural" to "Urban Development".

¹ City of St. John's. St. John's Municipal Plan (June 2007). Section I -1.4 Relation to Other Levels of Planning. Pg. 1-4.

My appointment as Commissioner was made by Council under the authority of Section 19 of the *Urban and Rural Planning Act, 2000*, with the accompanying duties established in Section 21(2) and 22(1) which note that the Commissioner is to “[...] hear objections and representations orally or in writing [...]” and, subsequently, to submit a written report on the public hearing including recommendations arising from the hearing.

The Council and the Department of Municipal Affairs and Environment agreed that there would be one joint public hearing to consider the proposed amendments to the SJURRP, as well as the St. John’s Municipal Plan and the St. John’s Development Regulations.

This public hearing was scheduled for 7 p.m. on Wednesday, October 23, 2019 at St. John’s City Hall. Prior to this date, and as required by legislation, the hearing was advertised in the Saturday, October 5, 2019 and Saturday, October 12, 2019 editions of The Telegram. Additionally, the amendments were publicized on the City of St. John’s website (<http://www.stjohns.ca/public-notice/public-hearing-47a-heavy-tree-road-diamond-marsh-subdivision-stage-4>). Notices also were mailed out, as required, to all property owners within a minimum radius of 150 metres of the subject properties. This notice provided a site plan and advised of the date, time, location and purpose of the upcoming public hearing.

The public hearing was convened on Wednesday, October 23, 2019 at 7 p.m. in the Foran/Greene Room of St. John’s City Hall. There were 10 interested persons in attendance, including five city residents, two of whom had questions about the proposed rezoning, and three representatives from Fairview Investment Limited. Assistance at the meeting was provided to Your Commissioner by the following City staff: Ms. Lindsay Lyghtle Brushett, MCIP – Planner III, Planning, Engineering and Regulatory Services.

Prior to this hearing, four written submissions were received. These submissions are referenced in this Report under the section “Written Submissions Received in Advance of the Hearing” (see section 3.0) and the full text of each submission is found in Appendix “A”.

No formal/taped transcript of the public hearing was made, and the notes made by Your Commissioner constitute the record of the hearing. All those requesting the opportunity to speak were accorded that right.

1.1 The issue

The issue for Your Commissioner and the topic for the hearing was whether or not the following three amendments should be approved. In general, the intent of the amendments is:

- ***St. John’s Municipal Plan Amendment Number 150, 2018*** – the intent of which is to redesignate land at 47A Heavy Tree Road from the Rural (R) Land Use District to the Residential Low Density (RLD) Land Use District.

- ***St. John's Development Regulations Amendment Number 686, 2018*** – the intent of which is to rezone land at 47A Heavy Tree Road from the Rural (R) Zone to the Residential Medium Density (R2) Zone.

St. John's Urban Region Regional Plan Amendment Number 4, 2018 - the intent of which is to re-designate land at 47A Heavy Tree Road from Rural to Urban Development (to align the SJURRP amendments with the aforementioned amendments to the St. John's Municipal Plan and the St. John's Development Regulations).

2.0 BACKGROUND

2.1 The application

The process leading to the hearing on the proposed amendments was triggered by an application from Fairview Investment Limited to develop 32 Semi-Detached Dwellings at 47A Heavy Tree Road. The property under consideration is approximately 1.32 hectares (3.3 acres), and is vacant, undeveloped land between Heavy Tree Road and Diamond Marsh Drive. The area is currently zoned Rural and would need to be rezoned to Residential Medium Density (R2).

The subject property is identified as Stage 4 of the Diamond Marsh Subdivision, which was redesignated and rezoned in 2010/2011 to Residential Low Density (R1) Zone for the development of a predominately single-family neighbourhood. Stage 4 is additional land the developer has incorporated into the larger development.

Land to the west of the proposal is zoned Residential Medium Density (R2) and is comprised of one storey townhomes in the Twin Brooks development (Gisborne Place), while land to the south is zoned Rural (R) and Agriculture (AG).

2.2 The review processes

The following provides a detailed overview of the relevant correspondence and activity related to the processing of the application from Fairview Investment Limited.

July 25, 2018 – Correspondence from Lindsay Lyghtle Brushett, MCIP – Planner III to the City of St. John's Committee of the Whole

This correspondence to the Committee of the Whole outlined Fairview Investment Limited's proposed development of 32 semi-detached dwellings at 47A Heavy Tree Road to facilitate Stage 4 of their existing Diamond Marsh Subdivision. In addition, the correspondence detailed the required zoning changes, planning and other considerations relative to this proposed redevelopment.

Planning and zoning considerations

The area proposed for development is designated Rural under the St. John's Municipal Plan. The Rural District is applied to lands not intended for urban development within the 10-year planning period and contemplates development on lands that do not have municipal water and sewer services. To accommodate the proposed development, a Municipal Plan amendment would be needed to redesignate the land under consideration from the Rural (R) District to the Residential Low Density (RLD) District. The subject land also is designated Rural as per the SJURRP and so an amendment is needed to this Regional Plan to redesignate the land from Rural to Urban Development to allow the City's proposed amendments to be considered.

Subject to a Land Use Assessment Report (LUAR), the Residential Low Density (RLD) District allows conditional zones for residential medium density uses. In cases where the scale and circumstances of a proposed change do not merit such an extensive analysis, Council may deem that a staff report shall constitute an LUAR. As the proposed semi-detached dwellings are compatible with the surrounding development, it was recommended that the staff report be accepted as the LUAR.

It was identified that the St. John's Municipal Plan encourages increased density in residential areas where feasible and desirable from a general planning and servicing point, while improving quality and variety of housing.

Servicing and storm water detention

It is stated in this correspondence that the property can be serviced with municipal water and sewer services from the Diamond Marsh Subdivision.

Storm water detention is required for the proposal. It was highlighted that the developer completed extensive modelling to demonstrate that the existing detention pond within the Diamond Marsh Subdivision can accommodate the Stage 4 lots. There were no additional engineering or development concerns (including traffic) identified with respect to rezoning. It was noted, however, that prior to final development approval, detailed plans would need to be submitted for review and approval.

Overall considerations and/or implications for the City

Finally, in terms of key considerations and/or implications for the City, the following were identified:

1. *Partners or Other Stakeholders:* Neighbouring residents and property owners, along with municipalities under the SJURRP.

2. *Alignment with Strategic Directions/Adopted Plans:* City's Strategic Plan 2015-18: Neighbourhoods Build Our City – Increase access to range/type of housing.
3. *Engagement and Communications Considerations:* Public advertisement for the proposed amendments. If the amendments are considered by Council and the Minister of Municipal Affairs and Environment, requirements include consultation on the Regional Plan amendment with all municipalities subject to the SJURRP and a future public hearing chaired by an independent commissioner.

There were no considerations or implications related to budget or financial, legal or policy, human resources, procurement, information technology or "other".

In conclusion, the recommendations were that:

- the rezoning application for 47A Heavy Tree Road (Diamond Marsh Subdivision Stage 4) from the Rural (R) Zone to the Residential Medium Density (R2) Zone be considered for the development of 32 Semi-Detached Dwellings.
- the amendments be advertised for public review and comment, following which the application would be referred to a regular meeting of Council for consideration.

Staff noted that should Council consider the rezoning application as recommended, a request would be needed to the Minister of Municipal Affairs and Environment to consider a Regional Plan amendment, followed by regional consultation and a public hearing chaired by an independent commissioner.

Public notice of the proposed rezoning for 47A Heavy Tree Road

The proposed rezoning was initially advertised three times in The Telegram (August 25, 2018, September 1, 2018 and September 8, 2018) and posted on the City's website. Property owners within 150 metres of the application site, along with residents of the Diamond Marsh Subdivision, also were notified. Written submissions were accepted until September 11, 2018 and those received were included in the agenda for a subsequent regular meeting of Council.

September 11, 2018 - Correspondence from Lindsay Lyghtle Brushett, MCIP – Planner III to the City of St. John's Mayor and Council

This correspondence once again outlined the background to the application, the necessary amendments to enable rezoning to facilitate the application, relevant implications (e.g., considerations around engagement and communications) and the recently undertaken public notification process (above).

The recommendation provided in this correspondence is for Council to adopt-in-principle the resolutions for the St. John's Municipal Plan Amendment Number 150, 2018 and St. John's

Development Regulations Amendment Number 686, 2018 to redesignate and rezone land at 47A Heavy Tree Road from the Rural (R) Zone to the Residential Medium Density (R2) Zone for the development of 32 semi-detached dwellings. It further noted that an amendment to the Municipal Plan was required, and that Council should also request that the Minister of Municipal Affairs and Environment consider an amendment to the SJURRP, to redesignate land at 47A Heavy Tree Road from Rural to Urban Development, to support the City's proposed amendments, as adopted-in-principle.

Attached to this correspondence were the three submissions in response to the City's public notification of this application and proposed rezoning and development. In summary, these submissions were opposed to the development because the authors had understood that the Diamond Marsh Subdivision would be only single-family dwellings, and that allowing semi-detached dwellings would make the neighbourhood a busy area, lower their property values and/or potentially attract lower income residents.

September 18, 2018 – Correspondence from Lindsay Lyghtle Brushett, Planner III, to the Honorable Andrew Parsons, Minister of Municipal Affairs and Environment

This correspondence details a request from Council to the Department of Municipal Affairs and Environment for an Amendment to the SJURRP in regard to the City's proposed amendments. Specifically, it requested that there be an amendment to the Regional Plan with land at 47A Heavy Tree Road redesignated from Rural to Urban Development to support the St. John's Municipal Plan Amendment Number 150, 2018 and St. John's Development Regulations Amendment Number 686, 2018, as adopted-in-principle by Council.

February 14, 2019 – Correspondence from Kim Blanchard, Senior Planner, Local Governance and Land Use Planning Division, Department of Municipal Affairs and Environment, to Lindsay Lyghtle Brushett, Planner III, Department of Planning, Engineering and Regulatory Services

This correspondence detailed that the Minister had reviewed and granted Council's request to amend the SJURRP to accommodate an expansion (an additional phase) of the Diamond Marsh Subdivision near Heavy Tree Road. It highlighted that the proposed amendment to the SJURRP is limited to redesignation of the specific parcel of land at 47A Heavy Tree Road from Rural to Urban Development.

This correspondence further instructed that, as required by Section 14 of the Urban and Rural Planning Act (the Act) 2000, the City could proceed to consult with the public and the other 14 municipalities subject to the SJURRP, in relation to the proposed amendment.

April 2, 2019 – Correspondence from Lindsay Lyghtle Brushett, MCIP, Planner III, Department of Planning, Engineering and Regulatory Services to Kim Blanchard, MCIP, Department of Municipal Affairs and Environment

This correspondence reported that the City had published notices of the proposed SJURRP amendment as required and one submission had been received. Additionally, the City had consulted with the other municipalities subject to the SJURRP regarding the proposed amendment redesignating land at 47A Heavy Tree Road from the Rural to Urban Development designation.

It was stated that the City received responses from seven of the 14 municipalities with the following providing no comment on or having no concerns with the proposed SJURRP Amendment 4, 2018:

- The Town of Torbay
- The Town of Logy Bay-Middle Cove-Outer Cove
- The Town of Portugal Cove-St. Philips
- The Town of Conception Bay South
- The Town of Bay Bulls

The Town of Paradise also raised no objections to the proposed SJURRP amendment. However, it provided the following suggestion in relation to the proposed rezoning: that the City consider potential future land use conflicts which could arise from the continued development of residential housing in close proximity to existing agricultural operations/zones.

The City of Mount Pearl raised no objections to the proposed SJURRP amendment, but they did provide comments on two issues:

- Stormwater detention - The City of Mount Pearl wanted confirmation that there were no anticipated downstream impacts associated with the development.

The City of Mount Pearl has a zero-net run off and on-site stormwater detention policy for all new development in Mount Pearl and would like to see this maintained as a requirement for the proposed development in terms of its effects on Mount Pearl. The City understands that a similar policy applies in St. John's and that extensive modelling has been undertaken by the developer to demonstrate that the existing detention pond within the Diamond Marsh Subdivision could accommodate the Stage 4 lots.

- Rodent control plan - The City of Mount Pearl also requested that a professional pest control company be in place throughout the course of the development to respond to any issues with rodents resulting from the disturbance of the grounds and construction on the proposed site.

This correspondence from the City of St. John's to the Department of Municipal Affairs and Environment also inquired as to whether the Minister was prepared to release the City's proposed amendments and move forward to a public hearing on the Regional Plan amendment for 47A Heavy Tree Road.

September 23, 2019 – Correspondence from Kim Blanchard, Senior Planner, Local Governance and Land Use Planning Division, Department of Municipal Affairs and Environment, to Lindsay Lyghtle Brushett, MCIP, Planner III, Department of Planning, Engineering and Regulatory Services

This correspondence stated that the Minister of Municipal Affairs and Environment had adopted the SJURRP Amendment Number 4, 2018 in accordance with section 16 of the Urban and Rural Planning Act 2000. It further stated that, in keeping with Section 15 of this Act, the municipal amendments related to the proposed rezoning of the subject property had been reviewed. The amendments were not found to conflict with any stated provincial policies and so a provincial release was issued for these amendments, thus allowing Council to move forward with their adoption and to schedule a public hearing to consider these amendments.

September 15, 2019 – Correspondence from Lindsay Lyghtle Brushett, MCIP, Planner III, to the City of St. John's Mayor and Council

This correspondence informed Council that the St. John's Municipal Plan Amendment Number 150, 2018 and St. John's Development Regulations Amendment Number 686, 2018 had been given Provincial release by the Department of Municipal Affairs and Environment, and the Minister had adopted the SJURRP Amendment Number 4, 2018. As such, it was recommended that Council could proceed with the next steps in the process to adopt the resolutions for the municipal amendments, appoint Your Commissioner, and proceed with the public hearing.

3.0 Written submissions received in advance of the hearing

Four written submissions (emails) were received in advance of the hearing on the evening of October 23, 2019. Three of the submissions were opposed to the development; the fourth submission was not opposed to rural development but concerned about lack of planning for resulting environmental issues. The following is a summary of the comments received. As previously referenced, the full text of each submission is found in Appendix "A".

- Submission #1 – Based on an estimate of the cost of the proposed semi-detached dwellings, this individual felt the development would negatively impact the resale value of their home and the value of the neighborhood in general.

- Submission #2 – This individual felt the proposed development would negatively impact the existing residents of Heavy Tree Road, and that the application should be rejected for reasons of:
 1. Drainage – the development of both Southlands and the Diamond Marsh Subdivision have exacerbated flooding in the area. *“Steps should be taken to protect this area and combat this problem, not make it worse.”* It was felt the wooded areas should be maintained to improve drainage and reduce flooding, and act as a buffer to urban sprawl.
 2. Poor location – the development does not fit the area; as it will be ‘sandwiched’ in between the nearby residential homes and the agricultural area.
 3. Traffic – the development will bring more traffic, and if the access is to/from Heavy Tree Road, it would put additional pressure on this rural road.
- Submission #3 – This individual was worried about a significant increase in traffic in the area with the proposed development, in particular given the lack of public transportation. As well, they raised a concern regarding the loss of green space and the resulting negative impact on the aura that nature provides the Diamond Marsh Subdivision.
- Submission #4 – This individual was concerned about potential flooding and how increased development reduces the areas available to absorb excess water. The individual was not opposed to rural development but felt that adding more development in the area and clearing the tree and marsh land without allowing for climate and environmental issues could result in impacts on their home.

4.0 THE HEARING

Your Commissioner explained the intent of the hearing to those in attendance and spoke to the process to be undertaken during the course of same, i.e. presentation of the application by City staff and presentation by/questions from any in attendance who desired to express their support or objections/concerns regarding the rezoning under consideration. Further, Your Commissioner reminded those in attendance at the hearing that the intent of the proceedings was to discuss the rezoning and not to comment on the merits or lack thereof of the specifics of the proposed development.

Your Commissioner explained to those in attendance what was within her purview to consider and requested that they be respectful in their comments during the hearing.

4.1 Overview of the Application

Ms. Lindsay Lyghtle Brushett, MCIP, Planner III with the Department of Planning, Development and Regulatory Services, presented the proposed amendments to the St. John's Municipal Plan and St. John's Development Regulations. Further, she explained that the proposed amendments could only be considered if there was a concurrent amendment to the SJURRP, and that the views of 14 other municipalities had to be sought on these amendments.

Ms. Lyghtle Brushett explained that while the civic number for the proposed development was 47A Heavy Tree Road, this area was originally part of a larger property that had frontage on this road. It has since been subdivided, and the intent is for the Stage 4 development to have access from Diamond Marsh Drive – and not Heavy Tree Road.

She gave several reasons for Council considering the rezoning including the adjacent residential area provides for the proposed development to be fully serviced, and the St. John's Municipal Plan encourages increased density where practical and appropriate. Ms. Lyghtle Brushett also allayed concerns about run-off and flooding in the context of storm water detention being a requirement for this application.

She finished by reminding those in attendance that the public hearing was to hear representations in regard to the three proposed amendments, and that the Commissioner's report would be provided back to Council and the Minister of Municipal Affairs and Environment for review and consideration.

4.2 The submissions

Your Commissioner explained that four submissions had been received from city residents in the area of Diamond Marsh Subdivision and Heavy Tree Road and in relation to the proposed development. She provided a summary of the comments, as presented in section 3.0.

4.3 Presentations

Area resident

This area resident sought additional explanation regarding how the development could be situated at 47A Heavy Tree Road and whether there would be access to/from this road. They noted that assigning this civic number to the development was confusing and had raised some concerns about extra traffic and activity on Heavy Tree Road.

Response from the City Planner:

It was explained that the application for the proposed development was for land which had frontage on Heavy Tree Road – at 47A. Now that the property has been subdivided,

the portion closest to and which will be incorporated into the Diamond Marsh Subdivision, will be accessed from Diamond Marsh Drive.

Mr. Anthony Ross, 30 Heavy Tree Road

Mr. Ross had two areas of concern.

He wondered if there was an example of another area where there was R2 zoning near an Agriculture Zone.

Response from the City Planner:

The City Planner stated that there were some high-density residential zones located adjacent to Open Space and Rural Zones in the city. However, location of residential zones near an Agriculture Zone would be confined largely to Goults and primarily would be Residential Low-Density Zones or single-family dwellings. As an example, some of the existing single-family dwellings in the Diamond Marsh Subdivision border on the Agriculture Zone. So, while the density of housing might be more intense with the Residential Medium Density Zone, as proposed for Stage 4 of the Diamond Marsh Subdivision, it would still be individuals and families living near the Agriculture Zone.

Mr. Ross also had questions about the drainage in the area (as did the other area resident who spoke initially). He was familiar with the drainage pond in Diamond Marsh Subdivision, and he wondered if it had capacity for the proposed development. He referenced flooding being an ongoing issue in recent years and felt that little had been done to alleviate this concern.

Response from Trevor Moore, P.Eng., Pinnacle Engineering Limited (on behalf of the developer):

Mr. Moore described how the water will drain from the lots. They have done countless models for the proposed development and the drainage pond, which is quite substantial, will be able to take the water with no issues.

Further response from the City Planner:

Stormwater detention is a requirement for new developments, although the detailed design is provided at the development stage. The City has a zero net run-off policy, so developers have to ensure that the same amount of run-off occurs both before and after development.

5.0 CONSIDERATIONS

In reaching a conclusion on the merits of the proposed amendments, Your Commissioner considered the following information.

5.1 Consistency with the St. John's Municipal Plan

5.1.1 *Urban Form*

As stated in Section III-1 "Urban Form" of the St. John's Municipal Plan, "the broadest objective of land use policies is to facilitate an efficient pattern of development. Generally, this means building a compact city. A compact city makes better use of its infrastructure [...]."

It is further noted in Section III-1.1 "Objective" that, in relation to development, the objective is to "encourage compact urban form to reinforce the older areas of St. John's, to reduce the cost of municipal services, and to ensure orderly development in new areas".

Other pertinent sections include the following:

III-1.2.1 Development in Serviced Areas

The City shall encourage new development and redevelopment in areas serviced with municipal water and sewer extending existing networks in adjacent areas where capacity is sufficient but, especially, emphasizing opportunities within currently serviced areas where existing systems can accommodate increased density or infill.

III-1.2.2 Development Density

The City shall encourage increased density in all areas where appropriate.

III-1.2.3 Residential Development

The City shall:

1. increase densities in residential areas where feasible and desirable from a general planning and servicing point of view;
2. encourage a compatible mix of residential buildings of varying densities in all zones; [...].

5.1.2 *Residential Land Uses*

The St. John's Municipal Plan speaks to residential land uses in Section III-2 "Residential": "perhaps the single most important function of municipal government is assisting in the provision of suitable, affordable, and attractive environments for housing of all groups in the population".

The objective in relation to residential land uses is found in Section III-2.1 “Objective”:

Maintain and improve neighbourhood character and quality of life in residential neighbourhoods through maintenance and improvement of housing quality and variety, good subdivision design, management of non-residential land use, and appropriate infill.

A number of general policies expand on this objective:

III-2.2.1 Maintain and Improve Neighbourhood Character and Quality

The City views the neighbourhood as the basis for comprehensive planning of the residential environment. [...] Through public initiatives and appropriate development, the City shall encourage and guide the development of such areas so as to conserve and improve their individual quality.

III-2.2.5 Maintain and Improve Housing Quality and Variety

The City, through this Plan and appropriate zoning regulations, shall work toward:

1. protecting residential neighbourhoods from undesirable impacts of traffic and incompatible or non-residential uses; and
2. enhancing neighbourhoods by encouraging the development/redevelopment of quality housing within these areas, and as well, capitalizing on any opportunities to diversify same.

5.1.3 Redesignation of the subject property

The subject property at 47A Heavy Tree Road is located within the Rural Land Use District. As per section III-1.3, one of the three overall forms of development recognized by the St. John’s Municipal Plan is Rural Development. It is stated that Rural Development occurs on lands that have not been provided with full municipal services. Of note, the subject property for the proposed development can be fully serviced with municipal water and sewer services from the Diamond Marsh Subdivision.

Additionally, as detailed in section III-1.3.2 “Rural”: “The Rural District applies to those lands that are not intended to be developed for urban development within the ten-year planning period.” The ten-year reference would be in relation to a time frame for reviewing the Plan and updating as needed and would have been most relevant at the time of the approval of the existing Plan – in 2003. As at that time the area in question was rural in nature.

In the ensuing years, there has been a demand for residential development, resulting in rezoning for the Diamond Marsh Subdivision in 2010-11 and several residential developments along nearby Ruby Line (e.g., Twin Brooks), all of which are serviced.

It is proposed that the subject property at 47A Heavy Tree Road be redesignated from the Rural to the Residential Low-Density District.

As described in relation to Land Use Districts as found in section III “City-Wide Objectives and Policies” of the St. John’s Municipal Plan, “the major purpose of the Land Use Districts is to identify and describe the recommended dominant land use and to provide parameters for development”.

Within each Land Use District, the Plan recognizes Permitted and Conditional Land Zones and that:

Permitted Zones are considered compatible with the dominant land use of the subject District. Conditional Zones may be compatible with the dominant land use of a District, subject to specific conditions or controls. [...] For example, single detached dwellings are the only “permitted” use in the Residential Low-Density District. The Plan recognizes, however, that medium density housing such as semi-detached dwellings and townhouses can be mixed with single family dwellings under appropriate conditions. Higher density residential types can, therefore, be considered provided that the associated proposal can be demonstrated to be compatible.

As described in section III-2.3 “Land Use District Policies” of the St. John’s Municipal Plan, specifically section 2.3.1 “Residential Low Density”:

Permitted Zones

In this District, the City shall permit zones providing for single detached dwellings.

Conditional Zones

Subject to a Land Use Assessment Report, the City may permit zones to allow such Medium Density Residential uses as may be deemed by Council to be compatible with single detached dwellings.

Also presented in section III of the St. John’s Municipal Plan, specifically in relation to the Land Use Assessment Report:

Where the compatibility of the proposed uses cannot be adequately evaluated, the City may require a Land Use Assessment Report, such as with the consideration of a Conditional Zone. [...] Notwithstanding this requirement, Council may deem that a Staff Report shall constitute a Land Use Impact Assessment, where the scale or circumstances of a proposed change or development proposal do not merit such extensive analysis.

As was reported in the July 25, 2018 correspondence from Lindsay Lyghtle Brushett, MCIP – Planner III to the City of St. John’s Committee of the Whole, the proposed change to the Residential Low-Density District does not merit an extensive analysis as provided by an LUAR. As the proposed semi-detached dwellings for the Stage 4 development are compatible with the surrounding development, it was recommended that the staff report be accepted as the LUAR.

Redesignation of the subject property to the Residential Low-Density Land Use District allows for the proposed development. This designation can accommodate semi-detached dwellings and is reflective of the density of the development in relation to the number of units which are anticipated to be built on the subject property.

5.2 The St. John's Development Regulations

5.2.1 Proposed zoning

Under the St. John's Development Regulations, the subject property at 47A Heavy Tree Road is located in the Rural Zone, which allows as permitted uses – agriculture, recreation and residential, but specifically and only uses associated with an Accessory Dwelling Unit. Discretionary uses in this zone do not include residential dwellings.

It is proposed that the subject property be rezoned to Residential Medium Density which includes a range of residential uses including semi-detached dwellings (Section 10.4.1 (f) of the St. John's Development Regulations). This proposed zoning could accommodate a development such as the 32 semi-detached dwellings proposed by Fairview Investment Limited.

5.2.2 Zoning considerations

5.2.2.1 Stormwater detention

The issue of stormwater detention was raised in relation to this proposed development and the subject property at 47A Heavy Tree Road.

It is important to highlight that the City has a Stormwater Detention Policy² which provides policy direction for the provision of stormwater detention systems for all new developments, with a few exceptions, none of which are relevant to the proposed development. Relevant excerpts from the policy are as follows:

Policy objective - The objective of this Policy is to ensure that developments, where required, provide stormwater detention that temporarily stores the difference in volume between the City's pre-development and post-development design storms. [...] The proposed detention system must limit the post-development runoff rate from the development for each return period/duration to the respective pre-development runoff rate for the same return period/duration. [...]

² The City's Stormwater Detention Policy is available from <http://www.stjohns.ca/living-st-johns/city-services/planning-and-development/stormwater-detention-policy>.

Developer's responsibility - It is the responsibility of the Developer(s) to submit for City approval of a stormwater management plan which meets the requirements of this Policy. [...]

As per this policy, on initial review of the Fairview Investment Limited's application for rezoning of 47A Heavy Tree Road, the City identified the need for stormwater detention. (Stormwater detention was also required for Stages 1, 2 and 3 of the Diamond Marsh Subdivision.) Prior to considering this application for rezoning, the City required the developer to provide a detailed hydraulic xpswmm model to prove that the existing dry pond (constructed for stages 1, 2 and 3) could accommodate the Stage 4 development and not increase the stormwater flow rate downstream.

The dry pond was designed and constructed for stormwater detention to meet the City's net-zero runoff policy, whereby any development must detain stormwater onsite and release the drainage at pre-development flow rates. It is important to note that the model provided by Pinnacle Engineering (on behalf of the developer) was based on the City's latest hyetographs that include climate change.

As explained at the public hearing, the natural topography of the land is sloping towards the property boundary of Stage 4 and, therefore, drainage is intercepted, along with the drainage of Stage 4 itself, and routed via a storm sewer to the existing dry pond. From the dry pond, the drainage is released back to South Brook at pre-development flow rates and, therefore, does not increase runoff.

As this model demonstrated that the existing dry pond in Diamond Marsh has the capacity to accommodate Stage 4, the City proceeded with the rezoning application.

5.2.2.2 Traffic

Traffic was raised as a potential concern for the Stage 4 development of the Diamond Marsh Subdivision, in particular on Heavy Tree Road. It is important to reiterate that while the initial application is ascribed to 47A Heavy Tree Road, following subdivision of the property, and if the development proceeds, Stage 4 will be accessed from the Diamond Marsh Subdivision and not Heavy Tree Road. Further, the City has identified no traffic concerns with this proposed development.

5.3 Consistency with the St. John's Urban Region Regional Plan

As previously stated, and as detailed in Section I-1.4 of the St. John's Municipal Plan (Relation to Other Levels of Planning,) the Plan must conform to the SJURRP, which was adopted by the Province in 1976. It distinguishes between urban and rural areas, and provides protection for the Urban Region's agricultural area, resource areas, and designated scenic roads.

The SJURRP's regional objectives, as set out in Section "B"- Objectives, include:

2. To guide the location of new development in the best interests of the entire region.

[...]

5. To prevent development that will require disproportionately costly public services because of location or use [...].

11. To allow for and to encourage the fullest growth and development of individual communities within the Region within limits set by:

a) the existing and likely future extent of municipal services; [...]

12. to encourage development to concentrate within defined urban areas. [...]

In terms of non-urban development, and as described in Section "F"- Non-Urban Development of the SJURRP:

Open space for agriculture forestry recreation and other uses in the St. John's Region will become increasingly important in the years ahead and it is, therefore, necessary that recommendations concerning the designation of land for various types of open space uses be made together with policies for the development of such areas.

Further, sub-section "b" Rural Uses, under Section "F", notes that the main objective in relation to the rural areas is to provide for demand for residential and other forms of development while still retaining the qualities of a rural environment. This is further delineated in the associated policy which states that residential development is allowed as a rural use, but:

The density of residential development shall not be permitted to exceed that which may be considered to be inconsistent with the traditional rural use of the areas concerned or that which could conceivably lead to a requirement, on public health grounds, for the installation of municipal services.

As detailed in Section “E” Urban Development - (a) The Regional Centre, the policy details that:

Within the area designated as the Regional Centre, which represents St. John’s and its immediate environs, the entire range of urban uses shall be permitted on the basis that piped water, sewage collection, storm drainage, paved roads and street lighting all will be provided.

These uses shall include the full range of various residential densities, [...].

The current Rural designation could not accommodate the proposed development. However the Requested designation, Urban Development, can accommodate the development.

6.0 CONCLUSION

In reaching a conclusion on the merits of the proposed Amendments, Your Commissioner considered the following:

6.1 Consistency with the St. John’s Municipal Plan

The vision for the city as provided in the St. John’s Municipal Plan includes enabling future development, which is of benefit to all of its residents, including and in particular in relation to housing, as one key area of focus. Further, the Plan has a significant focus on facilitating orderly development in the city.

In addition, specific Municipal Plan policies (see section 5.1.2 herein) speak to the importance of encouraging increased density in all areas where appropriate, improving housing quality and variety and capitalizing on opportunities to diversify this housing, and ensuring good subdivision design, and the mixture of land uses in all areas. Providing for Residential Medium Density (as per a Conditional Zone) for Stage 4 of the Diamond Marsh Subdivision, also supports all of these articulated policy directions. Further, there is existing housing in the area, similar in nature to that which Stage 4 will include (Twin Brooks development – one storey townhomes).

It is clear that the proposed development is consistent with the intent and direction of the St. John’s Municipal Plan.

6.1.1 Compatibility of zones and mitigation of impacts

The Municipal Plan identifies a role for the City in ensuring that impacts associated with particular zones are compatible with policies adopted under the Plan. The primary issues of concern raised by those who attended the public meeting and/or /public hearing, as well as those who provided written submission for one or both of these public processes, (and those which are under the City’s purview) were fairly consistent and, in summary, primarily related to:

Stormwater detention and run-off – As explained in section 5.2.2.1, extensive modeling was undertaken by the developer in relation to stormwater detention. They demonstrated to the City’s satisfaction that the existing dry pond in Diamond Marsh has the capacity to accommodate the proposed Stage 4 development.

Traffic – As discussed in section 5.2.2.2, there were no traffic concerns associated with the development based on the City’s assessment.

6.2 Alignment with the SJURRP

As previously referenced, the SJURRP sets out a framework for growth and development within the St. John’s Urban Region. As such, any amendments to the St. John’s Municipal Plan must align with the Regional Plan.

It is evident that the current Rural designation of the subject area for the proposed development, while it considers residential uses, does not contemplate the type of dwelling and related intensity as that of the proposed 32 semi-detached dwellings for Stage 4 of the Diamond Marsh Subdivision. In contrast, the Urban Development designation allows for a range of residential densities and uses, including that as proposed for Stage 4.

Further, the redesignation of the subject property from the Rural designation to the Urban Development also aligns with several of the SJURRP’s objectives including offsetting the need for costly expenditure on public services (as these can be extended from the adjacent development), and it is an extension of an urbanized area.

6.3 Adjacency to the Agriculture Zone

In the course of undertaking the work in relation to this Public Hearing, Your Commissioner identified an issue which she feels needs consideration by Council.

The Stage 4 development positions the resulting dwellings adjacent to an Agriculture Zone. While there may or may not be current agricultural activity in these areas, the opportunity and option is there for initiation and/or intensification of such activity on these lands. Your Commissioner sees the potential for conflict between those who have bought into a residential development and wish to have peaceful enjoyment of their neighborhood and those who have the right to engage in agricultural activity. This issue was articulated by the Town of Paradise as previously referenced: that the City consider potential future land use conflicts which could arise from the continued development of residential housing in close proximity to existing agricultural operations/zones.

Of note, this issue currently is one which pertains largely or perhaps only to the Goulds. However, in an era of self-sufficiency and climate change concerns, and where food security will result in more interest in agricultural activity, Your Commissioner respectfully suggests that there is more need for a focus on and specific policies regarding agricultural development adjacent to residential areas.

Currently, references to agriculture within the City's Municipal Plan and Development Regulations include:

St. John's Municipal Plan:

Section III-1.3.2 Rural Land Use District

[...] In this District, the City shall apply zones to accommodate non-urban uses including *agriculture* [...].

Section III-6.3.1 Parks and Recreation Facilities

[...] subject to a Land Use Assessment Report, the City may permit the following uses:

1. Place of Assembly;
2. Public Utility; and
3. Uses accessory to *Agriculture*, Forestry, and Fishing.

Section III-8 Resource and Environmental Areas

Protection of natural resource areas and environmentally sensitive lands is an increasingly important aspect of land use management. For St. John's this is particularly significant. [...] With recent annexations, it has also taken in its own watershed areas as well as extensive rural lands that are still used for *agriculture*, forestry, and fishery uses.

8.1 Objective

To protect the natural environment; preserve water quality; and accommodate *agricultural* and forestry uses.

8.2.7 Natural Resource Areas

The City shall manage development in areas with productive natural resources (i.e., *agricultural*, forest, watershed, and mineral) to minimize the impacts on the natural environment and to preserve the scenic quality of the rural landscape.

8.3 Land use district policies

Open space areas are provided to address the following roles:

Single Resource Areas

Manage and control the use of single resource areas, such as those lands designated for *Agriculture*, Forestry Production, Watershed Protection, and Public Open Space in the Regional Plan.

8.3.2 Agriculture

The Agricultural District applies to those lands that are considered to have potential for agriculture. Designated areas have been identified in accordance with the Department of Forest Resources and Agrifoods Agricultural Development Area Guidelines. Development requirements shall be in accordance with standards set by the Department of Forest Resources and Agrifoods [...].

Section IV Planning Area Development Plans, 7 Planning Area 16 - Goulds

7.1 Objectives

The general development objective for the Goulds Planning Area is to maintain a community that includes both urban and rural development values as manifested in:

[...]

4. opportunities for *agricultural* development in a way that respects nearby residential development.

While there are other references to agricultural development and activity in the Plan, there is no detailed discussion or direction on how agricultural development and residential development would respectfully cohabit in relation to zoning. In particular, for Planning Area 7, the discussion focuses primarily on urban development and related needs.

St. John's Development Regulations

While the St. John's Development Regulations speak to the Agriculture Zone and related regulations and requirements, only Section 7.14 *Residential uses - agricultural livestock operations* addresses adjacency to residential uses, and this is only in the context of livestock operations.

1. No Development for residential use shall be permitted within 600 metres of an existing structure designed to contain more than five (5) Animal Units unless the Development is first approved by the Department of Forest Resources and Agri-foods, and the Department of Government Services and Lands.
2. No structure designed to contain more than five (5) Animal Units shall be erected or used for that purpose within 600 metres of an existing residence (except a farm residence), or from an area designated for Residential Use in an approved plan, or from a Provincial Park or Federal Park, unless the following requirements are satisfied:

- (a) The structure shall be approved by the Department of Forest Resources and Agrifoods, and the Department of Government Services and Lands;
- (b) The structure shall be at least 60 metres from the boundary of the property on which it is to be located; [...].

St. John's Urban Region Regional Plan

The SJURRP's regional objectives, as set out in Section "B", include:

[...]

9. To protect and conserve the limited resources of *agricultural* land in the region.

[...]

11. To allow for and to encourage the fullest growth and development of individual communities within the Region within limits set by:

[...]

c) the need to protect regional resources including *agricultural* [...] lands, [...].

Section "D" Basis of the Plan states: "it is also the intent of the plan to ensure that different land uses within the region develop in harmony with each other [...]"

Section "F" Non-Urban Development

Open space for *agriculture*, forestry, recreation and other uses in the St. John's Region will become increasingly important in the years ahead and it is, therefore, necessary that recommendations concerning the designation of land for various types of open space uses be made together with policies for the development of such areas.

The direction from the SJURRP is clear in relation to protecting agricultural lands and as well ensuring harmonious alignment in terms of zoning.

7.0 RECOMMENDATIONS

Based on the foregoing considerations, Your Commissioner recommends the following:

Acceptance of the St. John's Municipal Plan *Amendment Number 150, 2018*

Redesignate land at 47A Heavy Tree Road from the Rural (R) Land Use District to the Residential Low Density (RLD) Land Use District.

Acceptance of the St. John's Development Regulations *Amendment Number 686, 2018*

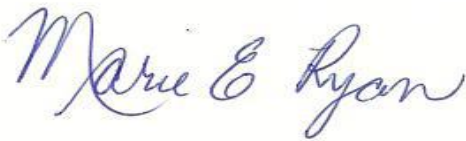
Rezone land at 47A Heavy Tree Road from the Rural (R) Zone to the Residential Medium Density (R2) Zone.

Acceptance of the St. John's Urban Region Regional Plan *Amendment Number 4, 2018*

Re-designate an area of land in the area of 47A Heavy Tree Road (Diamond Marsh Subdivision Stage 4) within the Municipal Planning Area of the City of St. John's from "Rural" to "Urban Development".

Further, Your Commissioner **recommends** that the City develop a robust policy framework for situations wherein there is residential development adjacent and/or in close proximity to existing agricultural operations/zones. As noted previously, this is as important for active agricultural zones as for those lying fallow, but which could be activated at any time.

RESPECTFULLY SUBMITTED THIS 13TH DAY OF NOVEMBER 2019



Marie. E Ryan,
Commissioner

APPENDIX “A” – Written Submissions

Lindsay Lyghtle Brushett

From: CityClerk
Sent: Monday, October 21, 2019 10:38 AM
To: [REDACTED] CityClerk
Cc: Andrea Roberts; Ann-Marie Cashin; Ashley Murray; Dave Wadden; Gerard Doran; Jason Sinyard; Karen Chafe; Ken O'Brien; Lindsay Lyghtle Brushett; Planning
Subject: RE: Objection to the Rezoning of 47A Heavy Tree Road

Good Morning [REDACTED]

We thank you for your feedback and advise that your comments have been referred to the City's Department of Planning, Engineering and Regulatory Services.

All submissions will be presented to Council prior to a final decision being reached on this application.

Elaine Henley

Elaine Henley
City Clerk
t. 576-8202
c. 691-0451

-----Original Message-----

From: [REDACTED]
Sent: Friday, October 18, 2019 5:19 PM
To: CityClerk <cityclerk@stjohns.ca>
Subject: Objection to the Rezoning of 47A Heavy Tree Road

Submission #1

Hi,

I would like to formally object to the proposed rezoning of 47 A Heavy Tree Road into phase 4 of Diamond Marsh Subdivision. After receiving an estimate on the cost of these proposed semi detached dwellings, I feel that it will negatively impact the resale value of my home as well as the overall value of the neighborhood. The estimated cost of these semi detached dwelling is significantly lower than the cost of my home and the homes in the first phase of this subdivision.

I inquired about the cost of these dwellings a couple of weeks ago, but have only now heard back. I am aware that I only have until Monday, October 21 to contest. Is this email sufficient or does something need to be delivered in person?

Regards,

[REDACTED]
[REDACTED]

Sent from my iPhone

Lindsay Lyghtle Brushett

From: CityClerk
Sent: Monday, October 21, 2019 10:40 AM
To: [REDACTED] CityClerk
Cc: Wally Collins; Andrea Roberts; Ann-Marie Cashin; Ashley Murray; Dave Wadden; Gerard Doran; Jason Sinyard; Karen Chafe; Ken O'Brien; Lindsay Lyghtle Brushett; Planning
Subject: RE: 47A Heavy Tree Rd

Good Morning [REDACTED]

We thank you for your feedback and advise that your concerns have been forwarded to the City's Department of Planning, Engineering and Regulatory Services.

All submissions will be presented to Council for consideration prior to a final decision being reached on this application.

Elaine Henley

Elaine Henley
City Clerk
t. 576-8202
c. 691-0451

From: [REDACTED]
Sent: Sunday, October 20, 2019 10:11 PM
To: CityClerk <cityclerk@stjohns.ca>
Cc: Wally Collins <wcollins@stjohns.ca>
Subject: 47A Heavy Tree Rd

Submission #2.

To whom it may concern

I am writing this letter to express my concerns over the proposed rezoning of 47A Heavy Tree Rd to develop 32 semi detached dwellings. I believe this development will negatively impact the existing residents of Heavy Tree Rd and that the application should be rejected.

The reasons I oppose this rezoning are as follows:

Drainage.

This is a wooded lot in area that has a history of flooding. The developments of Southland's, and most recently Diamond Marsh, have exasperated this problem and have put increased strain on an already vulnerable area. With these most recent developments, flooding has become a frequent concerns for residents of Heavy Tree Rd. Proper infrastructure has been installed to compensate for all the changes to and loss of natural drainage of this area. For this reason steps should be taken to protect this area and combat this problem, not make it worse.

Poorly Located.

This property is adjacent to the Ag Zone and if developed would be sandwiched between single family homes (R1) and the sparcely developed Ag Zone. It seems to not FIT this area and would be better sulted elsewhere.

Traffic.

As a resident of Heavy Tree Rd I am also concerned with the continued expansion of Diamond Marsh. Would this expansion led to a second entry to Diamond Marsh with Heavy Tree Rd becoming the new access point? Heavy Tree Rd is a rural Rd that has already seen increased traffic in the last several years. This small winding rural road is not equipped to handle an additional increase in traffic.

In conclusion, it is my opinion that this rezoning and development would negatively impact this neighborhood. This wooded lot helps to improve drainage and reduce flooding and acts as a buffer to the urban sprawl. The addition 32 semi detached dwellings and their associated vehicles would also increase traffic on ruralstreets that are already seeing a rise in use.

I ask council to consider these concerns when making their decision.

Respectfully,

[REDACTED]
[REDACTED]
[REDACTED]

Disclaimer: This email may contain confidential and/or privileged information intended only for the individual(s) addressed in the message. If you are not the intended recipient, any other distribution, copying, or disclosure is strictly prohibited. If you have received this email in error, please notify me immediately by return email and delete the original message.

Lindsay Lyghtle Brushett

From: CityClerk
Sent: Monday, October 21, 2019 10:42 AM
To: [REDACTED], CityClerk
Cc: Andrea Roberts; Ann-Marie Cashin; Ashley Murray; Dave Wadden; Gerard Doran; Jason Sinyard; Karen Chafe; Ken O'Brien; Lindsay Lyghtle Brushett; Planning
Subject: RE: 47A Heavy Tree Road

Good Afternoon [REDACTED]

We thank you for your feedback and advise that your concerns have been forwarded to the City's Department of Planning, Engineering and Regulatory Services.

All submissions will be presented to Council for consideration prior to a final decision being reached on this application.

Elaine Henley

Elaine Henley
City Clerk
t. 576-8202
c. 691-0451

From: [REDACTED]
Sent: Monday, October 21, 2019 9:15 AM
To: CityClerk <cityclerk@stjohns.ca>
Subject: 47A Heavy Tree Road

Submission #3.

Good Afternoon,

I have a few concerns regarding the rezoning of 47A Heavy Tree Road (Diamond Marsh Subdivision). Properties in the subdivision were and are being sold in the area to residents without any mention of additional dwellings in the area outlined in the rezoning notification. The advertisement platforms in which Diamond Marsh Subdivision utilize boasts this subdivision as an area with minimal traffic, single family homes, nature and greenbelt lots. The addition of 32 semi-detached dwellings will increase the traffic in this area substantially. The addition of 32 semi-detached dwellings could realistically increase traffic in this area by 15 to 20%. The original plan, as I was told during the purchase process, was limiting the number of multiple family residents as they wanted to maintain the quiet appeal of the subdivision. The addition of 32 semi-detached units contradicts one of the main attraction points used by Fairview Investments for Diamond Marsh. The lack of public transportation in the area implies that residents of these proposed dwellings will rely on private transportation.

The greenbelt lots that are boasted by Diamond Marsh Subdivision will be reduced by 10-15% with the proposed rezoning. This is a substantial reduction of green belt lots and the development of this rural land will

impact the aura that nature provides Diamond Marsh Subdivision. The greenbelt lots provide the subdivision with the abundance of nature that is promoted and attractive to local residents. The area in which the construction is proposed is a large green space in which provides the subdivision with the nature that is promoted to residents. The lose of this green space contradicts one of the principal aspects of the subdivision.

Regards,

[REDACTED]
[REDACTED]

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Lindsay Lyghtle Brushett

From: CityClerk
Sent: Tuesday, October 22, 2019 4:10 PM
To: [REDACTED], CityClerk
Cc: Andrea Roberts; Ann-Marie Cashin; Ashley Murray; Dave Wadden; Gerard Doran; Jason Sinyard; Karen Chafe; Ken O'Brien; Lindsay Lyghtle Brushett; Planning
Subject: RE: 47A Heavy Tree Rd.

Good Afternoon [REDACTED]

We thank you for your feedback and advise that your concerns have been referred to the City's Department of Planning, Engineering and Regulatory Services.

All submissions will be presented to Council for consideration prior to a final decision being reached on this application.

Elaine Henley

Elaine Henley
City Clerk
t. 576-8202
c. 691-0451

-----Original Message-----

From: [REDACTED]
Sent: Tuesday, October 22, 2019 1:08 PM
To: CityClerk <cityclerk@stjohns.ca>
Subject: 47A Heavy Tree Rd.

Submission #4.

To Whom It May Concern,

We are responding to mail we have just received for application to change 47A from low residential to medium for purposes of development. We wish to advise the city and council that we are apposed to the idea of allowing this change.

The area in which this proposed development is encompasses over several acres of all of tree and marshy land. Clearing this land will likely increase flooding in the area and affect my home, As well as other residential owners, in an area which already has significant flooding at times of heavy storms and rain falls? Heavy tree rd falls into the designated wet land development area known for flooding. The study provided to the council previously for other cases for development addresses how increase development without leaving areas to absorb excess water will cause flooding. This is addressed in an updated flood risk map for Waterford River. We are not opposed to "rural development" in this area, we are only concerned for our homes being affected by adding additional development to the mass development already existing without allowing for climate and environment issues.

Can You please take into consideration the homes that will be affected with the increase development in this area. We thank you for your time and wait your response.

Thank you
[REDACTED]